

**From:** [Wyatt, Robert](#)  
**To:** [Chip Humphrey/R10/USEPA/US@EPA](#)  
**Cc:** [Eric Blischke/R10/USEPA/US@EPA](#); [jim.mckenna@verdantllc.com](#); [jworonets@anchorenv.com](#)  
**Subject:** Re: Dispute Deadline  
**Date:** 11/04/2010 02:27 PM

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Thanks very much Chip.

Bob

----- Original Message -----

From: Humphrey.Chip@epamail.epa.gov <Humphrey.Chip@epamail.epa.gov>  
To: Wyatt, Robert  
Cc: Blischke.Eric@epamail.epa.gov <Blischke.Eric@epamail.epa.gov>; Jim McKenna (Jim) <jim.mckenna@verdantllc.com> <jim.mckenna@verdantllc.com>; 'jworonets@anchorenv.com' <jworonets@anchorenv.com>  
Sent: Thu Nov 04 14:21:59 2010  
Subject: Re: Dispute Deadline

Bob,

EPA appreciates the LWG's agreement to work with us on the process and timeline for resolving benthic risk comments by mid-December, and are encouraged by the progress that was made on resolving critical benthic toxicity issues and the predictive models during our conference call earlier today (November 4, 2010). EPA believes we are in general agreement on the path forward and tasks that have been targeted for completion by December 1st.

EPA hereby approves the LWG's request for an extension of the deadline for disputing EPA's comments on the Benthic Risk Evaluation for the Portland Harbor Site. The revised deadline is December 17, 2010.

Please let us know if you have any questions.

Chip

Dispute Deadline

Wyatt, Robert

to:

Eric Blischke, Chip Humphrey

11/03/2010 06:18 PM

Cc:

"jworonets@anchorenv.com", "Jim McKenna (Jim) <jim.mckenna@verdantllc.com>"

Hi Chip and Eric,

On September 27, 2010, the LWG received EPA's comments on the Benthic Risk Evaluation for the Portland Harbor Site. The LWG is currently working under a deadline to respond to these comments by November 12, 2010 (i.e., the deadline for the LWG to invoke dispute resolution on these directive comments). As you are aware, the LWG and EPA have held a few meetings to discuss these comments, including some detailed conversations about how to assess the reliability of the various models. We also discussed the need to resolve the hit/no hit classifications of the bioassay data because this information is a critical input to the various models.

Last week EPA offered a process by which we would attempt to resolve the benthic risk comments by mid- December 2010. Specifically, EPA proposed that we meet on Thursday, November 4th,, to resolve the hit/no hit classifications and for the respective parties to request information on the Logistic Regression Models. By December 1st the parties would attempt to resolve the reliability issues associated with the various models, and then make a decision as to which model(s) to use in the revised BERA.

The LWG agrees to work with EPA on this process and its associated timeline, and respectfully requests an extension of the dispute deadline to December 17th, 2010. Please let us know if this request for

extension is acceptable to the Agency.

Thank you,

Bob